

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-183598

DATE: NOV 11 1975

60136

97762

MATTER OF: Clifford M. Buck - Miscellaneous and Transportation  
Expenses Incurred in Moving Mobile Home

DIGEST: Reimbursement of miscellaneous expenses of moving  
housetrailer in connection with transfer of station  
is limited by FTR 2-3.3b which provides that an  
employee is entitled to an allowance for actual  
miscellaneous expense if he can present acceptable  
evidence justifying the expenses claimed provided  
that the aggregate miscellaneous expense allowance  
may not exceed 1 week basic pay in the case of an  
employee without an immediate family.

This action is in response to a request by a certifying officer  
of the National Finance Center, Department of Agriculture, New  
Orleans, Louisiana, for an advance decision as to the propriety  
of certifying for payment a reclaim voucher in the amount of \$456.66  
in favor of Mr. Clifford M. Buck representing various expenses in-  
curred in the transportation of his mobile home incident to a  
permanent change of duty station.

By Travel Authorization No. 74-23, dated June 10, 1974,  
Mr. Clifford M. Buck, an employee of the Department of Agriculture,  
Office of Audit, was authorized travel incident to a permanent  
change of duty station from Bozeman, Montana, to Denver, Colorado.  
Pursuant to part 7, of chapter 2 of the Federal Travel Regulations  
(FPMR 101-7) (May 1973), Mr. Buck was eligible to receive an  
allowance for the transportation of his mobile home for use as a  
residence at his new duty station.

As authorized by FTR para. 2-7.3d (May 1973), the Government  
assumed responsibility for the transportation of the mobile home  
and paid those costs directly to the commercial carrier involved  
through U.S. Government bill of lading. For reimbursement of  
other expenses incurred in the move, Mr. Buck submitted travel  
vouchers totaling the amount of \$767. This resulted in the  
issuance of a Voucher Difference Statement dated October 17, 1974,  
which suspended the amount of \$456.66 from the previously submitted  
voucher, in accordance with FTR para. 2-3.3b (May 1973). That pro-  
vision entitles an employee to an allowance for actual expenses if  
he can present acceptable evidence justifying the expenses claimed

097762 / 097762

B-183598

provided that the aggregate miscellaneous expense allowance may not exceed 1 week basic pay in the case of an employee without an immediate family. Since Mr. Buck, whose annual pay rate is stated to be \$16,138 (weekly rate \$310.34), is without an immediate family, his maximum allowance is \$310.34 which was approved. Mr. Buck submitted a reclaim travel voucher for the difference between \$310.34 and the amount of actual miscellaneous expenses incurred. It has been suggested that the limitations in FTR para. 2-3.3b (May 1973), for miscellaneous expense allowance discriminate against single and lower-salaried employees who could incur the same costs in relocating a mobile home as an employee with an immediate family. (In the case of an employee with an immediate family the regulation provides for reimbursement of an amount not to exceed 2 weeks basic pay. In no case will amount exceed the maximum rate of a grade GS-13 provided in 5 U.S.C. § 5332, at the time the employee reports for duty.)

Since Mr. Buck has been reimbursed the maximum amount allowable under regulation for miscellaneous expense, the voucher may not be certified for payment. Concerning the constitutional question, we do not consider it our prerogative or duty to question the constitutionality of regulations promulgated pursuant to statutory authority. Rather, until the courts have taken final action holding a particular regulation unconstitutional, it is our view that full effect should be given thereto by our Office according to its terms.

R.F. KELLER

Deputy

Comptroller General  
of the United States